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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/600,593 07/19/00 LUTZ

C 1959/49027

PM82/0329
EVENSON MCKEOWN EDWARDS & LENAHA
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WASHINGTON DC 20005

EXAMINER

BINDA, G	
ART UNIT	PAPER NUMBER

3629
DATE MAILED:

03/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademark

Office Action Summary	Application No. 09/600,593	Applicant(s) LUTZ, CHRISTIAN	
	Examiner Greg Binda	Art Unit 3629	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 20-38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

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Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I shown in Figs. 1-3; Species II shown in Figs. 4 & 5; Species III shown in Fig. 6; and Species IV shown in Figs. 7-10.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:
- a. Species I - claims 21-23, 25-27, 29 & 30.
 - b. Species II - claims 21-23, 25, 26 & 30.
 - c. Species III - claims 21-23, 25, 26, 28, 30 & 31.

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d. Species IV - claim 22 & nominally to claims 32-35. (“Nominally” because claims 32-35 depend from claim 21, but the “bushing” recited in claim 21 is not present in Species IV.)

e. The following claim(s) are generic: 20 & 36-38.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the crux of the invention lies in the means by which the ball of a ball socket is resiliently mounting in the fork of a universal joint. Each species accomplishes this resilient mounting in a manner that is structurally unique from that of the other species.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Oath/Declaration

5. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

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It does not identify the city of residence of each inventor.

Drawings

6. The drawings are objected to as failing to comply with:
 - a. 37 CFR 1.83(a) because the drawings do not show:
 - i. The invention recited in claim 24. ^{✓ see Fig 3a}
 - ii. A joint comprising all the limitations of claims 32-35 because no joint is shown having both a "bushing . . . held by a tumbler guide" (claim 21) AND "a plastic sliding guide . . . provided between the socket and the ball" (claim 32).
 - b. 37 CFR 1.84(p)(4) because reference character "8" has been used to designate both a tubular dual fork in Fig. 1 and a coupling case in Fig. 2 (see page 8, lines 1-3).
 - c. 37 CFR 1.84(p)(5) because:
 - i. Fig. 1 fails to include reference numeral 8 as described on page 8, lines 1-3.
 - ii. In Fig. 3, "32, 1" should be -- 32.1 --. See page 10, line 22.
 - iii. Fig. 4 fails to include reference numeral 22 as described on page 11, line 5.
 - d. 37 CFR 1.84(q) because in Fig. 3 the lead line for reference numeral 33 is pointing to a flange on fork 6 instead of a flange on socket 7. See page 10, line 6.

Specification

7. The disclosure is objected to because;

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- a. On page 2, lines 19 & 20 the summary invokes the claims.
 - b. Page 4, line 20 discloses “rotting abutment surfaces.”(?)
 - c. Page 5, line 8 includes foreign language terminology.
 - d. The brief description of the drawings does not describe Fig. 8b.
 - e. Page 8, line 3 “coupling case” and “tubular dual fork” are recited in reverse order.
 - f. Page 8, line 5, “2 and 3” should be -- 1 and 2 --. See line 21.
 - g. Page 8, line 23 includes “the housing,” but the preceding description does not define “the housing.”
8. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the detailed description fails to provide proper antecedent basis for the following claimed subject matter:
- a. Claim 20, lines 5-9
 - b. Claim 29, lines 6 & 7.
 - c. A joint comprising all the limitations of claims 32-35 because no joint is described having both a “bushing . . . held by a tumbler guide” (claim 21) AND “a plastic sliding guide . . . provided between the socket and the ball” (claim 32).
 - d. Claim 32, line 5+, “the guide being preferably injection-molded directly onto the ball.”

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Claim Objections

9. Claim 23 is objected to because "is" should be deleted from line 2.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Tuesday through Friday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-4195, 305-3597 and 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Greg Binda
Patent Examiner